

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 145  
3 entitled “An act relating to establishing a Mental Health Crisis Response  
4 Commission” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 7257a is added to read:

8 § 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

9 (a) There is created the Mental Health Crisis Response Commission within  
10 the Office of the Attorney General for the following purposes:

11 (1) to conduct reviews of law enforcement interactions with persons  
12 acting in a manner that created reason to believe a mental health crisis was  
13 occurring and resulted in a fatality or serious bodily injury to any party to the  
14 interaction;

15 (2) to identify where increased or alternative supports or strategic  
16 investments within law enforcement, designated agencies, or other community  
17 service systems could improve outcomes;

18 (3) to educate the public, service providers, and policymakers about  
19 strategies for intervention in and prevention of mental health crises;

20 (4) to recommend policies, practices, and services that will encourage  
21 collaboration and increase successful interventions between law enforcement

1 and persons acting in a manner that created reason to believe a mental health  
2 crisis was occurring;

3 (5) to recommend training strategies for public safety, emergency, or  
4 other crisis response personnel that will increase successful interventions; and

5 (6) to make recommendations based on the review of cases before the  
6 Commission.

7 (b)(1) Each incident involving an interaction between law enforcement and  
8 a person acting in a manner that created reason to believe a mental health crisis  
9 was occurring that results in a death or serious bodily injury to any party shall  
10 be referred to the Office of the Attorney General by the relevant law  
11 enforcement agency for review, analysis, and recommendations within 60 days  
12 of the incident. Interactions not resulting in death or serious bodily injury may  
13 be referred for optional review to the Commission, including review of  
14 interactions with positive outcomes that could serve to provide guidance on  
15 effective strategies.

16 (2) The review process shall not commence until a final determination  
17 has been rendered regarding the appropriateness of the involved law  
18 enforcement officer's use of force by Attorney General, State's Attorney, or  
19 the internal review process of the law enforcement agency.

20 (c)(1) The Commission shall comprise the following members:

- 1           (A) the Attorney General or designee from a division other than that  
2 investigating the interaction;
- 3           (B) the Commissioner of Mental Health or designee;
- 4           (C) a member of the Vermont State Police, appointed by the  
5 Commissioner of Public Safety;
- 6           (D) a representative of frontline local law enforcement, appointed by  
7 the Vermont Association of Chiefs of Police;
- 8           (E) the Executive Director of the Vermont Criminal Justice Training  
9 Council or designee;
- 10          (F) a representative of the designated agencies, appointed by  
11 Vermont Care Partners;
- 12          (G) the director of Disability Rights Vermont or designee;
- 13          (H) an individual who has a personal experience of living with a  
14 mental illness or psychiatric disability, appointed by Vermont Psychiatric  
15 Survivors;
- 16          (I) a family member of an individual who experienced or is  
17 experiencing a mental condition or psychiatric disability, appointed by the  
18 Vermont chapter of the National Alliance on Mental Illness; and
- 19          (J) two regionally diverse at-large members, appointed by the  
20 Governor, who are not representative of subdivisions (A)–(G) of this  
21 subdivision (c)(1), such as an emergency dispatcher, specialist in interactions

1 between law enforcement and individuals with a perceived mental condition,  
2 or a representative of the Vermont Human Rights Commission or Vermont  
3 Legal Aid.

4 (2) The members of the Commission specified in subdivision (1) of this  
5 subsection shall serve two-year terms. Any vacancy on the Commission shall  
6 be filled in the same manner as the original appointment. The replacement  
7 member shall serve for the remainder of the unexpired term.

8 (3) Members who are part of an organization involved in an interaction  
9 under review shall recuse themselves from that review and shall not access any  
10 information related to it. The Commission may appoint an interim  
11 replacement member to fill the category represented by the recused member  
12 for review of that interaction.

13 (d)(1) The Attorney General or designee shall call the first meeting of the  
14 Commission to occur on or before September 30, 2017.

15 (2) The Commission shall select a chair and vice chair from among its  
16 members at the first meeting, and annually thereafter.

17 (3) The Commission shall meet at such times as may reasonably be  
18 necessary to carry out its duties, but at least once in each calendar quarter.

19 (e) In any case under review by the Commission, upon written request of  
20 the Commission, a person who possesses information or records that are  
21 necessary and relevant to review an interaction shall, as soon as practicable,

1 provide the Commission with the information and records. The Commission  
2 may subpoena information or records necessary and relevant to the review of  
3 an interaction from any person who does not provide information or records in  
4 his or her possession to the Commission upon receiving an initial written  
5 request. A person who provides information or records upon request of the  
6 Commission is not criminally or civilly liable for providing information or  
7 records in compliance with this section.

8 (f) The proceedings and records of the Commission are confidential and are  
9 not subject to subpoena, discovery, or introduction into evidence in a civil or  
10 criminal action. The Commission shall not use the information, records, or  
11 data for purposes other than those designated by subsections (a) and (i) of this  
12 section.

13 (g) To the extent permitted under federal law, the Commission may enter  
14 into agreements with nonprofit organizations and private agencies to obtain  
15 otherwise confidential information.

16 (h) Commission meetings are confidential and shall be exempt from  
17 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law).  
18 Commission records are exempt from public inspection and copying under the  
19 Public Records Act and shall be kept confidential.

20 (i) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its  
21 conclusions and recommendations to the Governor, General Assembly, and

1 Chief Justice of the Vermont Supreme Court on or before January 15 of the  
2 first year of the biennium. The report shall disclose individually identifiable  
3 health information only to the extent necessary to convey the Commission’s  
4 conclusions and recommendations, and any such disclosures shall be limited to  
5 information already known to the public. The report shall be available to the  
6 public through the Office of the Attorney General.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2017.

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11 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE